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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,214	06/13/2001	Alan Weir Bucher	PU010124	5312
24498	7590	08/23/2004	EXAMINER	
THOMSON MULTIMEDIA LICENSING INC			SANTIAGO, MARICELI	
JOSEPH S TRIPOLI				
PO BOX 5312			ART UNIT	
2 INDEPENDENCE WAY			2879	
PRINCETON, NJ 08543-5312			PAPER NUMBER	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,214

Applicant(s)

BUCHER, ALAN WEIR

Examiner

Mariceli Santiago

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/12/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,4 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Amendment, filed on May 12, 2004, has been entered and acknowledged by the Examiner.

Claims 1-10 are pending in the instant application.

Claim Objections

Claims 1 and 9 are objected to because of the following informalities:

Claim 1, line 7, the terms "shadow mark" should read as --shadow mask--, and

Claim 9, line 6, the term "shadow mark" should read as --shadow mask--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linghart et al. (US 6,509,679).

Regarding claim 1, Linghart discloses a picture tube having a mask frame assembly (Fig. 8b) for securing a tension mask (50) inside the picture tube, the mask assembly comprising a support blade structure (49) formed of a material having a first coefficient of thermal expansion, an insert member (51) formed of a material having a second coefficient of thermal expansion (Column 5, lines 1-8), the insert (51) having a plurality of apertures (56)

Art Unit: 2879

positioned along the length of the insert member (51), and fastening portions (57), at least one fastening portion connecting the insert member to the support blade structure at a generally central location of the insert member and the remaining fastening portions connecting the insert member to the support structure through the apertures whereby the opening of the aperture are dimensioned to have a respective clearance for loosely receiving a respective fastening portion (Column 5, lines 1-8).

In regards to the limitation "and a mask receiving edge to which said tension mask is applied", the Examiner notes that applicant is claiming the combination of the shadow mask and the insert member as two separate structure assembled together. The Linghart reference teaches the combination of the shadow mask and the insert member as an integral one-piece structure. However, it is noted that the use of a two-piece construction instead of the one-piece structure disclosed by Linghart would be an obvious matter of design engineering. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the two piece assembly instead of the integral assembly disclosed by Linghart since the use of a two piece construction would be considered as an obvious matter of design engineering.

Regarding claim 4, Linghart discloses a picture tube wherein the opening of the apertures are dimensioned to permit the fastening portion to slide within apertures along the length of the insert member permitting the insert member to move relative to the support blade structure (Column 5, lines 1-8).

Regarding claim 8, Linghart discloses a picture tube wherein the fastening portions comprise fasteners passing through the apertures of the insert member.

Regarding claim 9, Linghart discloses a picture tube having a support blade structure for a tension mask frame assembly, the support blade (49) structure comprising an insert member

Art Unit: 2879

(51) connected to the support blade structure at a generally central location of the insert member, the insert member (51) further comprising a plurality of apertures (56) extending from the central location along its length, and fastening portions (57) extending through at least one of the apertures to connect the insert member to the support blade structure wherein the apertures are dimensioned to be larger than the fastening portions to permit movement of the support structure relative to the insert member along the length of the insert member (Column 5, lines 1-8).

In regards to the limitation "and a mask receiving edge to which said tension mask is applied", the Examiner notes that applicant is claiming the combination of the shadow mask and the insert member as two separate structure assembled together. The Linghart reference teaches the combination of the shadow mask and the insert member as an integral one-piece structure. However, it is noted that the use of a two-piece construction instead of the one-piece structure disclosed by Linghart would be merely an obvious matter of design engineering. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to incorporate the two piece assembly instead of the integral assembly disclosed by Linghart since the use of a two piece construction would be merely considered as an obvious matter of design engineering.

Regarding claim 10, Linghart discloses a picture tube wherein the insert member and the support structure are formed of a material being of different coefficient of thermal expansion (Column 5, lines 1-8).

Allowable Subject Matter

Claims 2, 3 and 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 2, and specifically comprising the limitation of the support structure comprises first and second interlocking halves.

Regarding claims 3 and 5-7, claims 3 and 5-7 are allowable for the reasons given in claim 2 because of their dependency status from claim 2.

Response to Arguments

Applicant's arguments with respect to claims 1, 4 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2879

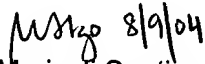
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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